From Knowledge to Wisdom

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Contents

Living (on) Archaeological Sites in Turkey: Engagement of Local Communities into Decision—Making Process[*]

Nida Naycı

Mersin University, Faculty of Architecture, Department of Architecture

Archeological sites have been considered as "dead" sites consisted from building remain buried into ground in modern heritage management doctrines for a long period. Thus their conservation policies are mainly shaped according to this Western perspective. After the spread of international doctrines in conservation of cultural heritage to other parts of the world, it was realized that some archaeological sites were more than group building remains. They were pilgrim sites for the local communities continuously for centuries onwards. Even in some cases, they have traditional management systems to take care for the site. This has raised the awareness about the gaps in modern heritage conservation approaches. International organizations have mentioned about the involvement of local groups in heritage management systems considering their traditional and cultural association with the cultural site. This has provided shifting of conservation approaches from conventional approaches towards *living heritage* approach in such delicate cultural heritage sites. The purpose of this paper is to discuss the historic generation of policies towards local communities living on archaeological sites in Turkey comparing the policies between living (on) archaeological sites and living archaeological sites approach.

Keywords: archaeological site, living heritage, management, local communities

Introduction

Origins of modern cultural heritage management concepts were born mainly in Europe especially after the first decades of 20. century. Common doctrines and principles started to spread to other regions of the world with the establishment of international organizations like International Museums Office, International Council of Museums. These organizations provided international platform bringing together important experts of the period to discuss and reach common goals and principles in conservation. Similarly, there was a conference held in 1904 entitled as "The Preservation and Conservation of Architectural Monuments" (also named as Madrid Conference). One of the remarkable focus of discussions was the classification of monuments as "dead" monuments" and "living monuments" based on the document prepared by Loius Cloquet (Jokilehto, 2005:389). The term "dead/living" referred to the "use/non—use" condition of the monument. According to this term, archaeological sites were generally considered as "dead" monuments/sites due to their ruined condition[1]. This

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[1] In 1893, Cloquet grouped monuments into "dead" monuments such as pyramids, temples, and ruins with their documentary value and as "living" monuments such as churches, palaces, manor houses, buildings with contemporary values (Jokilehto, J., 2005:389).

classification also directed the intervention principles for conservation of the monument. "Dead" monuments should have been preserved through consolidation interventions, while "living" monuments should have been restored considering their use values and potentials (Jokilehto, 2005,p389).

Continuous use of historic buildings during this period was discussed as a technical problem within conservation principles of cultural assets. Riegl (1928,p79) identifies the past and present interest groups of a monument as former creators and modern viewers. According to him, present perceives and judges the works of former creators by their historic, artistic and age values. Thus, the values of the monument are assigned by the modern viewers. He also mentions the "use value" in present situations. He gives the example of the dome of St. Peter's in Rome stating that no one would prefer to view just the view of the dome itself without lively modern visitors or religious ritual practices (Riegl, 1928,p79). However, the focus in his discussions is still on the fabric material use and values of monuments. The use value of historic buildings and structures was considered as a technical problem to deal with during conservation process. While common conservation approaches towards conservation were developing in technical aspects, the bonds of traditional cultures to historic places were neglected. After the spread of Western European conservation paradigms to other parts of the world, it was realized that there were serious gaps between practice especially in locations of non—western countries and indigenous cultures. Wijesuriya (2005,p31) gives examples on the impact of British colonial approach in archaeology and conservation in South Asia mainly Sri Lanka during mid 19th century. After the arrival of colonialism in these regions, they tried to establish their own understanding and legislative approaches to the administrative and institutional management systems of these countries (Wijesuriya, 2005,pp30-31). Second affective impact started with the international doctrines after World Heritage activities. Some of the archaeological sites of the country—mainly listed in the World Heritage list today— had been preserved thanks to the traditional management systems of the local communities who were religiously connected to the heritage site. Under these circumstances, conservation and management approaches in these countries were shifted to fabric—based conservation issues (as a result of Western conservation paradigms) neglecting the intangible bonds and traditional management systems of local communities (Wijesuriya, 2005,pp33-37) In some locations, which were sacred for some groups, local people were not allowed to continue to their traditional believe systems and rituals. Neglect of local communities and their cultural believes after the legislative arrangements in these protected sites by heritage authorities resulted in even destruction of the cultural heritage site by local communities. Taruvinga and Ndoro (2003,p3-4) give such an event from an African world heritage site in Zimbabwe. Domboshava rock shelter with its more than 150 rock paintings dated back to 10,000 and 2000 years ago, was designated as a National Monument in 1936. This was followed by establishment of the site facilities including site museums for tourists especially after 1980s and limitation of the local people's site rituals. The application of modern laws by the National Museums and Monuments of Zimbabwe evoked an unfortunate incident in 1998, when one of the rock paints was deliberately destroyed by local people as the result of tension between the authorities and public (Taruvinga & Ndoro, 2003 pp7-8).

Due to such feedbacks from significant heritage sites —some of which were inscribed in World Heritage List—, it was realized that some of the archaeological sites that were so—considered as "dead" sites may be still "living" due to subject of pilgrimage or worship by local communities or special interest groups. This gap is also mentioned through the report of UNESCO committee in 1994 as "all living cultures –and especially the 'traditional' ones—, with their depth, their wealth, their complexity, and their diverse relationships with their environment are figured very little in the list" (ICOMOS, 2005,p20). These facts caused shifts in conservation

theories and finally the birth of new approaches. The focus on significance of local communities that have linked to the cultural heritage sites was risen and the gaps occurred in involvement of local communities during the management process were realized. After the increase in awareness to consider local communities within cultural heritage protected areas, how they would be integrated into the decision making process has become another subject of discussions. This has led the rise of participatory methodologies in heritage conservation[2]. In result, cultural heritage management policies were shifted from "conventional approach", which focused on fabric conservation towards "values based approaches" (Naycı, 2013). Purpose of values—based approach is to identify values and significance of a cultural site according to the perceptions of different stakeholders[3] including local communities. The purpose is not to conserve the fabric only but it is the values that are assigned to it by different interest groups (Poulios, 2010,p172).

But the main question raised in this approach is that: "Is it always possible to come to solution where you can reach the shared values by different or even conflicting values by interest groups?" The answer is negative in some experiences especially where there have been severe conflicts between the local people who want to continue their traditional way of livings or social belief systems and heritage authorities who still overweigh conservation of the fabric prior to local values. This conflict between local people and heritage authorities caused destruction in the cultural heritage site as stated in the above case. Therefore all, it was also understood that values—based approach may fail especially in management and operation of "living heritage" sites. This has given rise to the "living religious heritage" approach, which gives significance to the cultural associations of the related community with the "place"[4] (Stovel, 2005,p9). The discussions and experiences gained from natural protected areas have also supported development of new ideas in community based paradigms. The main idea in these discussions is the information values of traditional practices and their utilization in protected area management systems to achieve sustainability as mentioned through the Rio Declaration in 1992[5].

Turkey has diverse and dense amount of archaeological assets that merged with protected natural and rural settings. Within the development of international conservation and management paradigms stated above, the purpose of this paper is to portray historic generation of conservation policies regarding archaeological sites and their impacts on local communities in the country. The main focus question of the paper is "What is the difference between the two policies: Living Archaeological Sites vs. Living (on) Archaeological Sites Approaches?" First section summarizes historical generation of policies regarding conservation of archaeological sites. It continues with the current situation through selected examples from Mediterranean region. The paper continues with evaluations on problems and gaps in current legislative system. It concludes with discussions on opportunities and potentials of "living archaeological site approach" to achieve

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[2] Burra Charter (Australia ICOMOS, 1999) the significance of public participation in decision-making process within cultural heritage sites is emphasized "Conservation, interpretation and management of a place should provide for the participation of people for whom the place has special associations and meanings, or who have social, spiritual or other cultural responsibilities for the place" (Australia ICOMOS 1999: article 12).

[3] According to Demas the typical stakeholders include "governmental and nongovernmental agencies with an interest at site, archaeologists and other expert groups, groups with an affinity or ancestral relationship to the site, local community groups who economically benefit or conversely who may be adversely affected from the site, private tourist agencies, special tourist groups such as pilgrim purpose (Demas, 2002,p31).

[4] ICCROM housed a programme in 2003 entitled as "Living Religious Heritage". In this programme, a number of examples from different parts of the world were discussed showing that living religious heritage and their conservation necessities may differ than other heritage sites.

[5] Rio Declaration: "…indigenous people and their communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and support their identity, culture, interests and enable their effective participation in achievement of sustainable development" (UN, 1992: Article 22)

sustainability and cultural continuity in management of these areas.

Historical Generation of Policies Regarding Conservation of Archaeological Sites in Turkey

Anatolia (Asia Minor) is located on historically significant geography linking important civilizations of eastern and western world throughout ages. In result, she possesses diverse remains of archaeological sites and historic structures from different periods. Legislative experience of Turkey in conservation of cultural assets goes back to the Ottoman period, when initial legislative arrangements in conservation started with antiquities. Evolution of governmental policies in conservation is discussed through three sections in this paper according to important milestones in legislative and administrative arrangements. First section starts with the first legislation in Ottoman period (1864) until the foundation of Turkish Republic (1923). The second section includes two phases starting from early years of the Republic and the period between 1973 and 1983, when conservation approaches extended from artifacts scale to site scale with the impacts of international doctrines. The Act No 2863 was adopted in 1983, and it still constitutes the basis for current legislative approaches. It has been revised after 2003 with additional arrangements and regulations, which are still valid today. So, the era from 1983 up to present is discussed as the contemporary period in the third section.

Ottoman Period (1864—1923)

The word "policy" is usually used to mention governmental attitudes and rules based on legislative arrangements. When it comes to the attitudes of public, this may differ from the governmental and official approaches. While governmental policies regarding conservation of antiquities in Ottoman period go back to 1860s, public attitude towards these assets goes back far beyond this era. Therefore, the policies in this section are discussed as public attitudes and governmental legislations correlating their impacts on each other. Due to the increase of interest in ancient civilizations and antiquities, the archaeological sites that were located throughout the Ottoman Empire—which administratively included Anatolia, Middle East and North Africa during that period— attracted several travelers especially starting from the 16th century. Throughout their journeys in distant geographies, foreign travelers did not just interest in exploration of ancient settlements. They also conducted observations related to geographical and natural setting as well as social structure of the society including local beliefs and traditions (Naycı, 2012a). In many rural areas, the villages and rural compounds were located side by side or above ancient settlements. Travelers also noted their observations related to attitudes of local people with the ancient settlements they were settled within. One of the main questions raised and discussed starting from this period were "How could archaeological settings in rural areas survived up to day, due to the local people or despite the local people living aside them?"(Naycı, 2012b).

The utilization of materials from previous civilizations' structures as re—use material or stone quarries in new constructions has been a common habit in all traditional cultures. The attitudes of each culture may differ according to change in politics, religion and propaganda from one generation to another. Similarly, general attitude of Ottoman society towards archaeological assets were as re—use material in their construction. Texier (2002,p340) stated that fragments of an inscription panel from the ancient Phrygian settlement "Midoseum" was re—used in a Seljukid tomb Harap Ören village. Similarly, the fragments of pagan religion with human and lion reliefs were used in the construction of citadel wall of Konya. (Texier, 2002,p340). Chandler (1971,p134) also noted examples of rural villages where marble pieces with Latin or Greek inscriptions were used as grave stones. Thus, change of religion throughout ages didn't cause hesitation in the use of symbols of previous religious in the Ottoman society. Similarly, conversion of "unused" building' for a given function

even in religious buildings, or constructing the newer one side by side were very common. In several historic sites of Anatolia, it is very common to see the important religious building of different civilizations with different belief systems together. Such situations generated throughout Anatolia were also noticed by foreign travelers who visited many places in the country during Ottoman period. One of the important examples is the Augustus Temple located in historic district of Ankara (Ancrya) with its 2300 years old historical past. The construction of Augustus Temple is dated to 5. BC and completed 1. AD according to common opinions of scholars. It is famous for its significant monumental inscription *Momentum Ancyranum* dedicated to eastern propaganda of Augustus, who was the first emperor of Rome (Şahin Güçhan, Naycı, 2013). The temple is thought to be built upon a former Phrygian temple. It was converted into a church during the Byzantine period. Following, Hacı Bayram Mosque was constructed next to the temple in the 15th century instead of tearing down the previous pagan or Christian religious landmarks. Therefore, the place has continued its respected and sacred meaning with accumulation of important landmarks of different religions together starting from Phrygians up to present. This integration also took attention of Texier during his travel to Ankara. He commented as "The mosque has protected the temple. Although the temple is far away from its original condition, it was respected as a part of important religious compound" (Texier, 2002,p453).

Were the relationships of local people towards archaeological settings only materialistic based? Did they only claim these remains as potential building "pieces" or empty "building stocks"? In various examples, travelers gave information about the resemblance of rituals or superstitious believes between the local traditions and the former pagan cults of the setting they are located within. Texier (2002,p105) tells a very common superstitious belief on holy trees by local Muslims: "The properties of these trees are believed to cure from illness or reverse spells by tying a part of cloth onto its branch. Thus, some of these trees are full of clothes. Some stones with distinct appearance have the same role as well. Such stone is sometimes a natural stone or an old building. Their meaning is similar to holly trees. In some locations of Asia, there are such stones which have reputations throughout centuries. There is such prior column in Tyane in the outskirts of Taurus (the ancient name of current Bor town in Niğde Province). People come to visit this column from distant places. Because this place is the home town of famous miracle Apollonius, what if the fascinating beauty of this column belongs to the idea that comes from the time of that interesting person? This Tyane column is known for curing malaria. Since people cannot tie clothes onto it, they bang a nail next to the column" (Texier 2002,pp105-106).

As the archaeological potential of Anatolia was recognized throughout Europe, several archaeological excavations were started to discover valuable findings of ancient settlements. Most of them were conducted by foreign researchers. Permissions for archaeological excavations were given by the Ottoman Sultans. The aim of excavations during this era was not only scientific based. With the exploration of important findings, it was common to remove valuable antiquities out of the country (Naycı, 2012). In many cases, excavator leaders were "harsh" to the archaeological setting (Madran 2002,p23) during their excavations with obsession of finding valuable findings and exporting them outside the country. The raise of interest in antiquities also affected the attitudes of local people towards archaeological assets. They started to consider ancient sites as economic resources by involving into trade of antiquities. The assets located nearby their village became a resource for financial activity. It became a common habit to inform collectors or traders about the findings they had come across or even they contributed to illicit excavation of findings. In time,

desire to find some antiquities to sell to traders resulted in destruction of the ancient structures[6]. Aizanoi is an interesting historic example for such an event. Therefore, it can be concluded that increase in the destruction of ancient sites in Anatolia began with the increase in interest and trade in antiquities starting after the 18th century (Naycı, 2012a).

This situation raised the initial conflicts for archaeological excavations. To whom the findings would belong to became the focus of discussions: the Ottoman State, foreign excavator leaders or owner of the land where the finding was discovered? Thus, initial content of governmental conservation policies and legislations included antiquities. The purpose of these regulations was to regulate the conflicts that occurred between the state, foreign excavation groups and land—owners through legislations. This was also initial process in political awareness conducted by the Ottoman State. Exportation of archaeological findings outside the country by foreign researches was forbidden with the initial legislative arrangements that were put in action between 1869 and 1906[7] (Naycı, 2010,p71). In the first regulation (1869), involvement of local people were represented by obligation for the permission of owner for archaeological excavations located in his property. To deal with this situation, archeological findings could be shared into three giving each part to Government, the foreign excavator and local owner in the second regulation (1874). This situation was totally banned during the third regulation (1884) after the establishment of State Museum by Osman Hamdi Bey. In the final legislation (1906), it was declared that all old assets located on both public and private properties including ones that would be obtained from underground belonged to the State (Naycı, 2010). Accordingly, the State owned all excavated findings. Similarly, it was stated that exportation of excavated assets out of country wasn't allowed. Discovery, conservation and collection of these assets became under the jurisdiction of the State by these statements. Moreover, owners having archaeological assets in their lands had no right to destruct or remove them[8]. (Naycı, 2010,p72). In rural settings, there were generally local people continuing their traditional economies mainly based on agriculture. Therefore, the second conflict was the land—use rights of private owners.

The Period From Early Years of Republican Era Until 1983

The second political era in the historical generation conservation policies includes the period from the foundation of modern Turkish Republic in 1923 to 1983, when the initial steps of contemporary conservation approaches were developed. The fourth Ottoman legislation—*IV. Asar—ı Atika Nizamnamesi*—, which was prepared and put into action with the efforts of Osman Hamdi Bey in 1906, was used until 1973. Therefore, this era can be classified into two sub—eras: 1930s, which includes the initial years of modern Republic, when the conservation approaches were impacted from political background of the period, and the area after 1970s, when the governmental policies started to be affected from international conservation approaches as a result of adoption of international conventions such as UNESCO Convention on Conservation of Cultural and Natural Assets.

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[6] J. T. Wood expressed in his memoirs that it was a common belief among members of Ottoman society that there were treasures hidden inside wells or marble sculptures. With a desire to find these treasures, they broke the sculptures (Naycı, 2010).

[7] Four legislations were prepared by Ottoman State during this era: First regulation was *I. Asar-ı Atika Nizamnamesi* (1869); second regulation was *II. Asar-ı Atika Nizamnamesi* (1874), *III. Asar-ı Atika Nizamnamesi* (1884)and finally *IV. Asar-ı Atika Nizamnamesi* (1906).

[8] Activities related to ruin, destruct, open lime quarry, any kind of building activity, re-use of ruined stones, re-functioning of these remains for other uses such as house, storage or barn were banned within the areas close to the archaeological assets (Naycı, 2010).

While conditions regarding archaeological excavations were conducted according to the former Ottoman legislation, there were also remarkable contributions by the policies of the newly founded government during the early years. There were efforts to build a new social structure which mainly based on nationalism during those years. Thus, archaeological research and conservation policies were highly affected from National History Thesis of the government (Naycı, 2012a). The aim of this thesis was to link the "roots" of Turkish history into pre—Ottoman period of Anatolia (Altınyıldız, 2007:288, Redford, 2007:246). Archaeology and anthropology became important scientific tools to investigate the origins of Turkish history as it was common in European nations as well. Ataturk himself had encouraged some important scholars to search and conduct researches in Anatolian archaeology and anthropology. These policies were supported by the foundation of national institutions such as Ankara Ethnography Museum in 1928 and Turkish Historical Research Association in 1931, which was reorganized as Turkish History Association in 1935 (Şahin Güçhan and Kurul, 2009:38). Foundation of these institutions opened new dimensions in archaeological surveys throughout Anatolia starting from 1930s. Hamit Zübeyr Koşay and Remzi Oğuz Arık were important scholars of this period, who had significant contributions to the archaeological and anthropological surveys of the time[9]. During their archaeological surveys and excavations in central and southeast rural Anatolia they noticed and explored similarities between the archaeological records and the ethnographic data of the local people in nearby villages (Takaoğlu, 2004:17, Redford, 2007:246). Arık and Koşay leaded the birth of ethno-archaeological studies in Anatolia with their observations on correlation between ethnographic data and archaeological researches. Thus, rural residents of Anatolia were culturally linked to pre-Islamic periods for the first time. Although the results of these researches and observations were not integrated into the process of conservation policies, they were important scientific witnesses and basis for following researches especially for ethno-archaeological surveys of the modern eras.

In many Anatolian cities, local administrations and governors were dealing with re-development of cities with modern urbanization principles and refurbishment of their infrastructural necessities. Since many of the existing towns had been developed above or aside by ancient settlements, the utilization of ancient structures became a part of re—development and urbanization process of existing towns. There are two examples from Mersin —located in Mediterranean region— showing the attitudes of local governors during this process. There was news in local newspaper "*Yeni Mersin*" stating that Roman period water network system would be utilized for fresh water necessities and irrigation systems of nearby villages in Silifke, which is located in east of Mersin[10]. The ancient water systems of Uzuncaburç and Olba were renovated by State Water Affairs during 1950s (Naycı, 2010:286). Similarly, Roman period tunnels were unearthed during the construction process of urban infrastructural system under the town of Tarsus by the municipality. As stated through the local newspaper "*Yeni Mersin*", they were assumed to belong to ancient city infrastructures. The attitude of municipality was to utilize the ancient infrastructural network for the necessities of the modern town. The news was about the exploration of some branches stating that the studies would continue to explore the main channel so that they would be utilized for modern city system. It would provide cheaper development process.

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[9] Hamit Zübeyr Koşay was one of the founders of the Institution and director of the Ethnography Museum. He carried out archaeological excavations to reveal information on pre-Ottoman Turks. Ataturk himself had asked and encouraged him in his researches. Arık contributed in initial excavations of Alacahöyük as a co-director. He linked researches between Alacahöyük and the Turkish village nearby during his studies (Redford, 2007:246).

[10] Local Newspaper "*Yeni Mersin*" dated to 27.09.1934. "*Silifke"nin On Dört Köyü Susuzluktan Kurtuluyor*"; "*Romalılar Devrinden Kalan Su Yollarından 14 Köy Faydalanacak*"

Therefore, the municipality aimed to re-use ancient systems for economical and practical reasons as seen in other town of Anatolia as well. Despite the attitudes of local authorities, national governmental policy towards archaeological assets was conservation of the assets with no exemptions. For this purpose, the State warned local administrations and municipalities to prevent the re-use of archaeological remains during new urbanization activities during this period (Naycı, 2010:78)[11].

The infrastructural investments of the State developed with some important dam projects during 1960s. Construction of Keban Dam in southeast region was one of the significant nationwide investments of the period. It also caused necessity for regional archaeological surveys and salvage excavations in south-east Anatolia as supported by Government. This situation raised ethno-archaeological surveys in the region. It was better to observe ethno—archaeological information especially in locations such as east, southeast and central Anatolia, which weren't altered by modernization of daily-life and agricultural activities yet. Yakar has been one of the significant researches who conducted ethno-archaeological surveys throughout Anatolia for the past few decades. He studied varieties of ethnic groups throughout the country comparing their local traditions and belief systems. According to Yakar (2007,pp96-98), although these ethnic groups has been historically differentiated because of their religious and linguistic differences for political reasons, they showed significant cultural similarities with their folkloric properties such as local believes, literature, music and food. This was the result of historic and geographic significance of Anatolia, which is located on intersection of important civilizations and different cultures that affected each other. He linked the resemblance of rural and local traditional systems with the past information of the nearby archaeological setting. He defined such rural areas who still continued their traditional local systems as "*Living Archaeology*" (Yakar, 2007:17). After 1970s, the impacts of international conservation doctrines started to affect the national legislations. The Conservation approach was broadened from single-structure scale to site scale with the Act No. 1710. As a result, in addition to the definition of "asset" coming from the term of "antiquities" in Ottoman period, the new designated status of conservation cites (*Sit* in Turkish) was introduced throughout legislations for conservation of place with group of buildings or Archeological setting (Naycı, 2010,p70).

Contemporary Era: from 1983 up to Present

The Conservation Act on Cultural and Natural Assets[12] adopted in 1983 has been the basis for the current conservation legislations since then. After this era, the national legislations and approaches have been highly affected from international conservation doctrines with the establishment of intergovernmental organizations and increase in number of conventions that Turkey was participated. The Conservation Act has included several topics regarding conservation of cultural assets, some of which are directly related with archaeological assets. The categories of designated conservation sites are defined as "Archaeological Conservation Site, Natural Conservation Site, Historic Conservation Site, Urban Conservation Site and Urban—Archaeological Conservation Site". Archeological sites are classified into three sub-categories according to usage conditions and content of activities that can take place in each zone. I. Degree Archaeological Sites are strict protection zones, where all types of activities that would cause harm to the archaeological information of the site are banned. Allowed activities only include archaeological researches,

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[11]In 1931 the Council of Ministers established Conservation Council of Monuments. In following years; the Commission reported that Municipalities and Provincial Local Administrations cause destruction of old assets for reasons such as to construct roads or sell their building lots due to lack of information related to values of these monuments and their conservation (Madran, 2002:109).
[12] The Act No 2863, Conservation Act on Cultural and Natural Assets (23.07.1983/18113)

conservation works, environmental arrangements for visitor presentation, service facilities for site management, infrastructural constructions that must be conducted in these areas, limited seasonal agricultural activities. Permission for these activities has to be approved by Regional Conservation Councils in the name of the Ministry of Culture and Tourism. Conditions for II. Degree Archaeological Sites are similar to the I. Degree areas. However, simple repairs of unregistered buildings are allowed under the approval of Regional Conservation Councils (Naycı, 2010:123)[13]. In conclusion, this era was important in order to establish a basis for modern conservation and management approaches for archaeological sites with the legislative tools that was brought by the Conservation Act. However, there were problems in practice due to the lack of experience in implementation.

The town of Eskihisar which is located aside the ancient settlement of Stratonikeia (in Yatağan district of Muğla province today) constitutes an interesting experience in this sense. The historical background of the ancient site possesses important Roman, Byzantine and Turkish period architectural structures. There are beautiful examples of traditional houses and modestly constructed mosques in the town centre that are merged with the ancient setting in the periphery. The traditional stone paved street of the town is merged with the ancient roads of the former settlements. With its rich historical background, it reflects the integrated and continuous cultural diversity transmitted throughout centuries. However, the population of the town is moved out after an earthquake generated in 1957 (Kazıl, 2005). Although the town itself was not directly affected from the earthquake, this was foreseen as an opportunity for future archaeological excavations by the Government. Thus they were settled into a new location close to the original one, where new constructions reflecting traditional architectural features were built for them. Few decades later, the new settlement location of the town was included within the high quality reserved coal mining area during 1980s. Then there were attempts to migrate back to the old town. However, this was impossible since the area was 1. Degree archaeological site and archaeological excavation areas (Kazıl, 2005). Thus, the abandonment of the old town has caused deterioration of the site and neglect of its unique cultural heritage assets.

Due to difficulties in implementation of the Act No.2863, some changes have been executed by the Conservation Amendment Act No.5226 in 2004[14]. This was also an update of the current system with impact of recent international doctrines such as integration of intangible values within content and definition of cultural asset (The Conservation Act: Article 3). The Act No 2863/5226 still continues to be the main legislation in conservation of cultural assets including archaeological heritage. Two new planning and management regarding archaeological sites are introduced with these changes: "Site Plans" to be prepared for archaeological sites mainly for visitor management facilities and "Site Management Plan" to provide coordination and consensus among different interest groups responsible from conservation and planning of these areas (Naycı, 2010). This management tool is useful especially in archaeological sites which are fragmented by various development zones, and for archaeological sites that extend through wide geographic areas including settlements as well.

Evaluations on Current Situation

In several examples we still see that ancient settlements were continuously settled, adapted or reutilized by

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[13] In order to integrate development and conservation conditions of archaeological sites within town and country planning conditions of the setting they are located within, the planning tool of "Conservation and Development Plans" (CDP) is introduced by this Act.

[14] The Act No 5226—Amendments on Conservation Act on Culture and Natural Assets and various Acts (OG: 14.07.2004)

later civilizations. The aim of this chapter is to discuss the relationships of rural communities in sustaining integration of ancient and traditional cultural systems. One of such examples is from Datça—Bozburun region located at the southwest peninsula of Turkey. Due to its geographical significance as a transition zone between Aegean and Mediterranean regions, Datça—Bozburun region possesses distinct natural and ecological environment. The harsh topographical conditions of the region caused difficulties in transportation throughout its historic ages. This factor has also prevented the region from being invaded by urbanization or large masses of contemporary developments today. Due to its conserved natural and cultural values, the region has been designated as Specially Protected Area in 1990.

One of the important archaeological sites of Datça area is the ancient settlement of Knidos, which is located at the edge of the peninsula. Archaeological evidence shows dense production and exportation of olive—oil, wine and timber of cedar forests throughout Mediterranean basin in ancient times. The lands located within the territorium of Knidos (mainly the Maltepe location nearby Hızırşah, and Kumyer) possess ancient agricultural terraces, which were related with rural production and agricultural activities of Knidos (Tuna 1984:34). Purpose of such agricultural terraces is to create more suitable landforms for agricultural activities especially in rough topographical areas. They are constructed to prevent erosion of the soil by rains, provide control of water drainage and increase the productivity of plant root growth (Diler, 1994). Economic power of the region decreased due to the Arabian attacks occurred during the 10th . century. This era is assumed as the decline of Knidos. Most of the agricultural terraces located within the vicinities of the city were thought to be abandoned due to the economical decline started after this period (Tuna 1984:35). How were these terraces protected since then?

Traditional rural communities of the region are the key answer to this question. The region possesses well conserved traditional villages still reflecting their traditional townscape (fig.1) and cultural landscape patterns. Use of topography in development of settlements by narrow streets donated with public structures, traditional farmhouses reflecting local architectural features, and traditional agricultural terraces, fruit gardens constructed in harmony with nature and topography form the traditional settlement and landscape patterns of rural settlements (fig. 2—3).

Figure 1. Traditional terraces and fruit gardens with narrow streets among rural dwellings (Söğüt, Bozburun)

Figure 2. Traditional terraces and fruit gardens with narrow streets among rural dwellings (Söğüt, Bozburun).
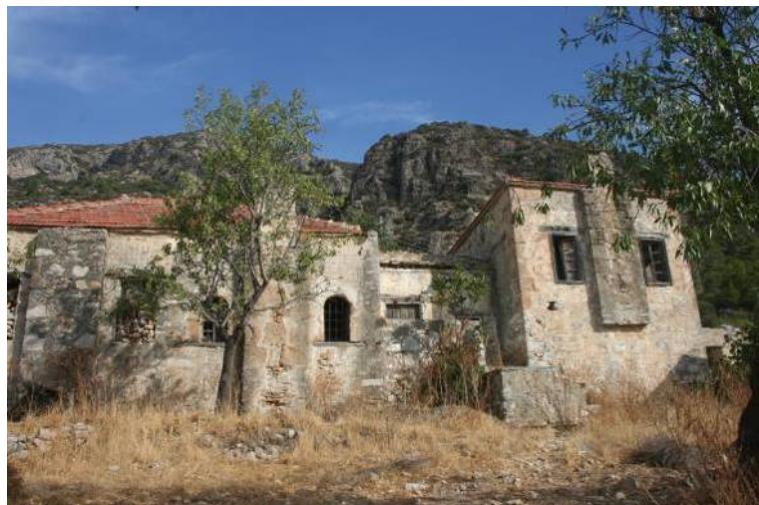
Figure 3. Example from a traditional rural architecture (Yakaköy, Datça).

When the traditional settings are examined closer, it is seen that some of them are settled close to locations of ancient settlements. In some examples, the re-use of ancient building structures during construction of houses can be still seen today (fig. 4-5). The archaeological surveys in the region show that vineyard activities in this area go back to ancient times and continue until late Roman period (Tuna, 1984,p35). There are still remains and traces of ancient agricultural terraces in the region. Diler (1994,p443) describes this type of terraces as "stepped terraces", which were constructed with good quality of workmanship by using irregular large stone pieces with varying sizes up to 1 m width without using mortar. In relation with the topographical condition of the terrain, their length reaches up to 100 m length, while they have 3-5 m widths. Some of these terraces continued to be used recently, with slight modifications. Lateral traditional additions or alterations to these ancient terrace walls were consisted of roughly built small sized masonry constructions (Diler, 1994,p443). Similar to vicinities of Knidos, Kumyer located near Yakapınar village houses ancient agricultural terraces and rural house components. Some of these terraces have been traditionally used by villages located on them today with slight differences (Tuna, 1984:36). Therefore, following cultures after the ancient times have

continued to use these terraces by renovating and adapting them according to their needs in time. It can be evaluated that existence of current traditional rural settlements has also provided conservation of these archaeological evidences.
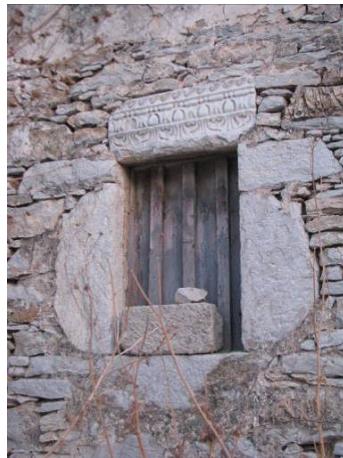
Figure 4. Use of ancient remains in construction of traditional dwellings (Cumalı and Belen, Datça).

Figure 5. Use of ancient remains in construction of traditional dwellings (Cumalı and Belen, Datça).

The second example is from ancient Olba Territorium located in Mersin Province of eastern Mediterranean region today. The historic development of the region depended on sea trade of cedar wood collected from Taurus Mountains and agricultural products (mainly olive—oil, wine, saffron, etc.) through Mediterranean basin in ancient times (Naycı, 2012). Therefore, the region possess rich amount of archaeological sites that reflect the ancient rural settlement and production compounds today. Use of natural topography whether military, agricultural or religious purposes were important criteria in development of the settlements. One of the significant features reflecting the continuation of spiritual belief systems throughout cultures is the sacred geological pits in the region, which is rich in geological formation of caves and depressed geological pits due to its geomorphological structure shaped by underground waters. Two biggest geological pits of the region had been assumed as sacred since ancient times and donated with important religious building. Cennet—Cehennem archaeological site is an important example reflecting such situation. (Naycı, 2010:256—258)

Cennet (meaning "Heaven") and Cehennem (meaning "Hell") are the names of two adjacent geological

pits[15] located 1 km. northwest from the Narlıkuyu shore located in Silifke district today. There is also underground cave named as "Astım (Dilek)" Cave (meaning wishing cave) next to these pits (Aygen, 1984). These geological formations are named with symbolic or religious motives as seen from the current local names given to. "Heaven" and "Hell" are the two important religion symbols in Islamic belief systems. Thus, one of the pits with its beautiful vegetation and spring water features has been named as Heaven, while the steep and sharp profiled one has been named as Hell, where it is believed that guilty people were thrown in during ancient times. The name of the cave has two meanings that are related with local superstitious beliefs. It is believed to cure the respiratory disorders because of the humidity inside. Also, it is believed that the wishes will come true for people who enter the cave. The sacredness of these pits goes back to historic times. Ancient settlement of Korykion—Antron was developed around Cennet (Heaven) and Cehennem (Hell) pits as an important religious cult area during Hellenistic, Roman and Byzantine periods. Religious buildings from different periods were constructed onto former ones. The Zeus Temple, which was one of the important religious monuments of region, was constructed on the south of Cennet Pit. It was used during Hellenistic and Roman periods since names of over a hundred priests were depicted onto the wall of temple (Aydınoğlu, 2007:168). There are also remains of a church that dates back to the 4th.century. There is Virgin Mary Church which dates back to the 5th.century in the bottom of Cennet Pit.

As discussed through different examples, ancient cultures have affected their followers in several aspects, which were transformed to later generations over centuries. Many traditional settlements followed the traces and experiences of past civilizations. Not only physical similarities, but also cultural motives assigned to the natural context were similar as discussed in previous chapters. Spiritual meanings of ancient world in many cases were transformed over centuries despite the differences in religious believes (from Paganism to Christianity and Muslim). These similarities may appear in both tangible (use of technology, building skills, traditional farming techinuqes, local productions, etc.) and intangible (social belief systems, rituals, etc.) aspects that had been shaped by sharing the common cultural and natural context. This resulted in integration of different cultures following each other throughout centuries sharing similar tangible and intangible values. Such situations can be described as *syncretism* which means "amalgamation of different religions, cultures or schools of thought together"[16] (Turner, 2012).

Living Archaeological Sites or Living on Archaeological Sites?

There are still important examples throughout rural Anatolia, which still show cultural links from ancient periods survived until traditional cultures. There are two reasons that may sustain this continuation: transmission of cultural believes and intangible values from generation to generation over centuries, similarities in enhancement of advantages or cope with limitations of the natural context they are located within (Yakar, 2007, Naycı, 2012). It isn't always easy to distinguish the reason underneath. However, such similarities between traditional rural life and the archaeological evidence of the cultural setting they live within still needs to be explored before they are disappeared by modernization and development impacts. The main impacts that

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[15] The Cennet Pit has an elliptical form with 250 m. diameter at top and 110 m. radius at bottom having 70 m. height. From the bottom of the Pit, it is connected to a cave which has 200 m. length and 135 m. height at its highest point (Aygen, 1984). There is underground water, which passes through the cave and poured into the sea from Narlıkuyu shore. Cehennem Obruk, which is located 75 km. north-east of the Cennet, has 50 m. and 75 m. diameter and 128 m. height. There isn"t entrance to this depression due to its steepness (Naycı, 2010).

[16] www.oxforddictionaries.com/definition/english/syncretism?q=Syncretism

are threatening the integrated cultural knowledge from ancient to traditional systems in these environments are loss of oral history knowledge and local believes without being documented, abandonment of traditional rural settings, change in land—use patterns, topographical interventions due to development pressures, modernization in agricultural activities and lack of adequate management systems in traditional rural areas. Although governmental policies on *antiquities* were the oldest subject focused by legislations since Ottoman period, there are still serious gaps in management of these traditional areas. This stems from the application of conventional conservation approaches in these areas. Accordingly, the relationship of local people with archaeological sites are considered as private ownership problems that put risks for archaeological assets. Although they played significant role in sustainability of past information up to present as seen in several cases, they are not evaluated within the potentials of "living archaeological sites" of traditional systems. Instead, they have been just considered as people living on archaeological sites, who are potential threat to destruct these assets.

Conditions of I. and II. Degree Archaeological Sites cause severe conflicts for the private ownerships within the current legislative system since all construction rights of owners are canceled. Two important legislative tools—Expropriation and Exchange/Bartering—have been applied to provide compensation for owners who are restricted from construction activities due to the existence of archaeological assets on their building lots. Details related to exchange conditions for archaeological sites are defined according to Regulation[17], by which private ownerships in these areas are interchanged with Treasury properties[18]. Main conflict which has been going on between the State and owners of the area on which archaeological sites are located since the Ottoman Period are tried to be solved by these regulations. III. Degree Archaeological Sites can be conditionally opened to new development activities. The development conditions are prepared through the CDPs and approved by Regional Conservation Councils. During the construction and implementation phases, all activities are carried out under the control of Museums in these areas (Naycı, 2010:124). Implementation of Exchange programmes is very challenging because of the fragmented planning and management context of Turkey with high number of responsible authorities, lack of adequate financial capacity to handle all the exchange programmes throughout the country, and last but not least the unwillingness of local people to move out from their original places. On the other hand, Exchange/Bartering programme needs consensus of both sides including ownerships and authorities, which is very difficult and necessitates further studies related to socio—economical structure, expectations of local people to conceive them to move out of their places and land analysis to match adequate areas (Naycı, 2010).

In conclusion, there isn't social, cultural reference to identify the relationship of local people with the place they live within local people as in "living archaeological site" approaches which aim to understand the historic, social and cultural link of local communities as the core of sustainable management policies. Integration and valorization of traditional knowledge in protected areas is still missing during decision—making process. On the contrary, current attitude can be defined as "living on archaeological sites" policy which bonds local communities to these cultural assets just with their physical relationship. Thus, the State assumes that translocation of rural people out of these protected areas will solve all the problems.

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[17] The Regulation on Exchange of Immovables located in Conservation Sites with Immovable Cultural and Natural Assets banned from Construction Activities with Treasury Properties (OG: *08.02.1990/22930*)

[18] Private ownerships located within the I. and II. Degree Archaeological Sites and I. Degree Natural Sites on which all types of activities are banned due to their designation conditions must be included within an Exchange/Bartering Programme by the Ministry of Finance in coordination with Ministry of Culture and Tourism (Regulation no 22930; article 4).

However, this has only caused culturally abandoned, empty and threatened areas as experienced in Turkey for many years. This situation also caused disrespect of public to designated areas. In order to avoid these legislative situations, local people even destroyed the archaeological assets and/or potentials within their ownerships in several rural areas. Recent approaches in international planning theories have also affected planning and management concepts in protected areas. Involvement of interest groups including local people into the decision—making process has become one of the significant criteria for many planning and management tools in Turkey today. Similarly, during the preparation of Management Plans for conservation sites including archaeological sites principles are stated as follows: "…in order to achieve conservation of cultural and natural assets within principles of sustainability,...achieving benefits of people living and working within area and their economical development...". Although, there are positive efforts in order to improve participatory approaches with recent legislations through preparation of several plans related with archaeological sites (CDPs, Site Management Plans for "Management Areas, Environmental Impact Assessments, etc.), in practice there are severe problems and conflicts related to implementation of these principles and integration of local people into management system of archaeological sites. Therefore, it is worth to develop "Living archaeological heritage sites" approach to avoid these problems and gaps.

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The Cultural Interpretations of Diplomacies of China, Russia and India as Eurasian BRICS Countries[*]

LI Xing

Beijing Normal University, Beijing, China

WANG Wan

Beijing Normal University, Beijing, China

China, Russia and India, three Eurasian BRICS countries, are close neighbors, geographically located in the Pacific Ocean, the Arctic Ocean and the Indian Ocean respectively. The research questions why these three countries have some similar characteristics in their diplomacies and foreign policies, which differentiates them both from traditional developed countries and typical developing countries. Before the assessment of this question, analysis of culture and its characteristics, international strategies and diplomacies of these three BRICS countries is necessary and appropriate. Culture plays a special and crucial role in international politics or international relations. The unique cultures of Eurasian BRICS countries, China, Russia and India, have special influences on their diplomacies, which has created a new landscape in current world economy and politics.

Key words: culture; diplomacy; BRICS; China; Russia; India

As Eurasian BRICS countries, China, Russia and India have their unique histories and cultures. With the same or similar international statuses and interests in current world economics and politics, these three countries to some extent have same or similar characteristics in their foreign strategies and policies that are different from both the traditional developed countries and the typical developing countries. The aim of this essay is to examine the cultural style of diplomacies of three Eurasian BRICS countries–Russia, China and India–from a cultural perspective. We analyzed the respective characteristics of diplomacies of these three Eurasian BRICS countries. And then we concluded that the BRICS countries have engendered a particular kind of BRICS diplomacy, which exerts its own effect on the current complicated world.

Culture and its Characteristics

Culture is different from civilization. Culture refers to the combination of the whole material and spiritual wealth created by human beings, while civilization refers to the positive part of culture that appears when cultural achievements develop to a certain stage. There exist many kinds of culture in the world, which are

created by different backgrounds. Among them, a particular culture may be different from another one, thus containing its own uniqueness, particularity or individuality. However, there may also exist some universal and common features across different cultures. Moreover, while different cultures may have different connotations, they are on equality and can also coexist harmoniously. Culture simultaneously denotes complexity as well as representativeness, such as the western culture representing western countries. Culture is independent, but sometimes it is dependent on other forces acting upon it. Culture itself is not classified into degrees of "high" or "low". However, different cultures can be differentiated in terms of a powerful versus weak position. A powerful culture will dominate when in competition with a weak culture, because a culture that is within the remit of a "soft power" may have its impact restricted by a "hard power" such as the economy, military, etc. In the current era of globalization, western culture plays a powerful and dominant part. Conversely, while the status and influence of oriental culture is increasing, it is still in a relatively weak position.

Political culture refers to religion, social system, ideology, values, historical tradition, national character, and other aspects that are related to international politics. Political culture plays a crucial role in modern international relations. The political culture of a country is a part of its culture and, therefore, possesses the characteristics of that culture. These characteristics then shape the face and feature of the diplomacy enacted by that particular country. It has been argued that countries that possess the same or similar cultural identities show some common features diplomatically.

Diplomacies of Eurasian BRICS Countries

China, Russia and India, three Eurasian BRICS countries, are close neighbors, geographically located in the Pacific Ocean, the Arctic Ocean and the Indian Ocean respectively. All these three countries have long histories, rich cultural backgrounds, and large populations. Russia is the largest country with the most abundant energy resources. China and India both have the world's biggest population. In terms of modern international political systems, these three countries present something of an ambiguity. For example, even though they are regarded as "Third World" countries by the "First World", and "First World" countries by "Third World". they are seen as economically much more developed than other countries in that category (such as Vietnam, Malaysia). They each face the same or similar strategic missions, interest demands and edge zones. Within the international economic and political ecosystems, they are all emerging countries and leaders among developing countries. However, their political voice, pricing power of international commodities, and international cultural influence are limited relative to western developed countries.

The diplomatic strategy that Russia has adopted is one of "leaning towards the east while longing for the west". China's diplomacy is such that it considers relationships with all vital forces including bordering neighbors, major powers and developing countries—an "all-round" style. China also aims to be friendly to other countries, adopting a "no-enemy" style of diplomacy. India has chosen a diplomatic style that aims to balance positive relationships with major external powers such as China or the USA, in order to obtain the maximum benefits from this. Currently, the common diplomatic feature of these three countries combined is that they pay attention to the east; that is to say, the emphasis of their diplomatic tactics is on Eastern Asia, a "look east" approach.

China, Russia and India are all multi-ethnic and multi-religious countries. The dominant religion in Russia is Eastern Orthodoxy; in China it is Buddhism, that originated in ancient India and then flourished in China; and on the Indian Subcontinent it is Hinduism. These three religions all respect the role of culture, spirit,

ideology and history, and relatively denigrate the power of material goods and money. Although the dominant religion in each of these three countries differs, Islam and Buddhism exist to some extent in all. Furthermore, all three countries have experienced religious extremism, ethnic separatism and international terrorism.

The cultures of these three countries are all combinations of the eastern and western culture, which interact, communicate with, complement and influence each other. In recognition of the three features of culture, equality, diversity and inclusiveness, all three countries have adopted the diplomatic strategy of advocating multipolarization, democratization, multilateralism, anti-hegemonism and anti-unilateralism in international relations. They all advocate an independent diplomatic approach and have devoted themselves to each becoming one of the independent "poles" of today's multipolar world in which there exist multiple dominant countries or blocks of countries (such as China, the USA, Russia and the EU). In addition, they all object to those behaviors of interfering in the domestic affairs of other countries with force.

Due to the three features of cultural development, uniqueness, particularity and complexity, these three countries each advocate a different path towards development. International relations are not simply black or white. Different countries can cooperate, compromise with and adjust to each other. They can achieve mutual benefit and a win-win result, co-existing together in the world. Different countries can also seek harmony in diversity, and smooth communication without estrangement. Moreover, countries can also seek dialogues without confrontations, not imposing their will on others with force.

Due to the two features of culture, representativeness and equality, the three BRICS countries have excavated their profound cultural, national and historical resources, and criticized so-called "west-centrism", or "the superiority of the west". They have become countries representative of oriental culture, which is different from western culture such as Anglo-Saxon, Christian civilization.

Given the less dominant status of oriental culture in relation to western culture, it is arguably easy for the three BRICS countries examined in this paper to share the same of similar benefits, and reach a consensus. In addition, they are likely to have the same or similar views on international or topical regional issues. For example, the comprehensive strategic partnership between Russia and China is similar to a standard alliance that has been verified by treaty. The relationship between Russia and India has also, traditionally, been a friendly one. Although there exist problems between China and India, such as the boundary issue, they have already formed strategic cooperative relations.

Another factor to consider is the BRICS countries' relative immunity to the global economic crisis that was triggered in 2008. Since then, Europe and America have suffered continued consequences from this crisis. In contrast, BRICS countries such as China, Russia and India, have maintained a relatively good momentum in terms of economic development.

Conclusion

China is the biggest developing authoritarian country. Russia is the biggest transitional country. India is the biggest developing democratic country. The acronym "BRICS"is not an accidental feature of adding together the first letters of each of the five countries. The position of BRICS should not be "bricks" or "talk pavilion", but "the club of second world countries" (If G7 is the club of industrial countries, G77 is the club of developing countries). The BRICS countries do not belong either to the "First World" consisting of developed countries, or typical "Third World" countries. The BRICS countries undertake common but differentiated responsibilities to the whole world. In particular, the Eurasian BRICS countries have a special economy,

politics and culture within BRICS as a whole. Thus, the BRICS countries have engendered a particular kind of BRICS diplomacy, which exerts its own effect on the current complicated world, and has created a new landscape in current world economics and politics.

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Understanding Globalization. The Inter-Parliamentary Union From the Late Nineteenth to Early Twentieth Century

Leonida Tedoldi

University of Verona, Italy

The Inter-Parliamentary Union was formed in 1889, gathering, initially, 38 British and French parliamentarians. The IPU (guided, from 1901 up to 1908, by Frédréric Passy and William Randall Cremer), was to support and reinforce the objective of extending arbitration as a 'peaceful tool' for resolving the dispute between states. The aftermath of the First World War marked a decisive step forward in the development of a strong liberal internationalist milieux which promoted a peaceful order based on the international rule of law. This paper summarizes some issues of ongoing research and it focuses on two key topics: the rise of parliamentary control of foreign policy and the making of 'parliamentary diplomacy'. Besides, it tried to elucidate, from another point of view, the political building of 'transnational and peaceful politics' aimed at the growth of peaceful and 'progressive' social relations among States and how the 'peaceful politics' are subjects that engage the complexity and the deep-rooted issues of State facing to the 'first globalization' and the 'end of century crisis'.

Keywords: International Organisations, History of International Relations, History of International Institutions, Parliamentary Control of Foreign Policy

If the first phase of IPU was characterized by the debate about international legality and legitimacy (international justice, as a way of approaching the issue of sovereignty, for instance) and the reinforcement of arbitration within the international disputes, the second phase (after 1920) was characterized by the debate about the political action on international matters within 'Constitutional State' and between governments and parliaments, above all.

During the second half of XIX century, the international 'liberal pacifism' was divided between those who proposed the pragmatic way of international compulsory arbitration and of the *constitution du droit de neutre*(*come fruit d' unecivilisation international eavancée*)(IPU, 1901, p.11)and those (more politicized)who, instead, claimed for the abandoning of 'old ways of governing', and the introduction of reforms (it seemed to be evident, at the time, that just only the democratic republics could avoid war).

At the same time, a theoretical difference was created among scholars, and 'experts in international field: those who worked for the creation of a 'jurisdictional sphere' recognized by States, and, by contrast, other who thought that only the common progress of States (civilized) towards the International society could reach common values and then could shape 'arbitrarial forms' of resolution of conflicts, not imposed by the States.

Between 1851 and 1875, there was an acceleration in international arbitration's use, above all on certain specific questions, relating to conflict among states (Sohn, 1990). Then, arbitration, as 'legal tool', was reinforced again, starting from the 1870s, also taking form thanks to theoretical support on the subject of international arbitration provided by a number of transnational networks of 'experts' (*Institut de Droit*

International, for instance) in drafting treaties[1] (Raltson, 1929, pp. 227-303; Langhorne, 1996, p.43).

The 1880s and 1890s represented the phase of greatest expansion for peace societies and associations and it saw the construction of a transnational network, with an International Peace Bureau being established in Bern in 1892. This had the role of coordinating the various elements of the political pacifist movement. From 1889 to 1914 the Universal Peace Congress held 20 congresses and the Inter-Parliamentary Conference met 18 times in European and American towns (Cooper, a, 1991, p.60; Cooper, b, 1991; Laity, 201; Reid. 2004).

The Universal Peace Congress and the Inter-Parliamentary Union (initially called 'for peace and arbitration', headed by Frédréric Passy and William Randall Cremer, Trade-Union and Workmen's Peace Association leader)[2], were to support and reinforce the objective of extending arbitration as a peaceful tool for resolving disputes among states, by now a political objective of European 'public opinion', which increasingly directed its attention towards international matters (a reaction to the bloody conflict in the Austrian part of Italy, as well as the Franco-Prussian war, leading to a further series of conferences of experts and state delegates on international justice). Cremer had promoted a wide political campaign in favor of concluding a general treaty of arbitration between Great Britain and the United States, culminated in the drafting of a petition signed by 233MPsof the Commons.

The Inter-Parliamentary Union was formed in 1889, initially bringing together 38 British and French parliamentarians. In 1905 the union reached a total of 2000 members, including an American delegation. IPU immediately adopted legal approaches to the resolution of conflicts and advocated the greater use of arbitration and mediation, along with the limitation of weapons and disarmament.

Despite the frequent introduction of arbitration in the drafting of Treaties among States and many parliamentary speeches, which called for the establishment of international court of arbitration, the establishment of an international court was still opposed not only by the governments of European States. Moreover, parliamentary speeches, urging the establishment of an international court, were very rare.Certainly, the difference between an arbitral court and acourt, (that punished the States and their rulers), was substantial. Similarly, it was decisive the margin between a court composed of diplomats and experts in international law and composed of judges only.

In 1893, during the Universal Peace Congress in Chicago, when some former American and British delegates (especially jurists) at the Peace Congress in London - three years before - officially proposed a project for the creation of a permanent court, they once again encountered the opposition of the former continental delegates, worried about inevitable repercussion on the problem of the legitimacy of sanctions imposed by an international court, which, in their opinion, could damage the very foundations of sovereignty.

A concrete project for the establishment of an international court took shape with the setting up of a committee during the Universal Peace Congress in Antwerp in 1894, followed by the Inter-Parliamentary Conferences in the Hague and in Brussels in 1895. These proposals initially developed out of internal IPU debate, originating during the Rome Conference in 1891, although much of European public opinion did not fully support the initiative.

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[1] According to historians, the development of international arbitration can be divided into three phases: before the 'Alabama case' (1871), from 1871 up to the first Hague Conference (1899), from 1899 up to the establishment of the League of Nations. Between 1901 and 1914 more than 149 resolutions were passed.

[2] He was also the promoter of *LigeInternationale de la paix* (1867), of the *Sociétéd'arbitrage entre les nations* (1870) and the *Union internationale de la paix* (1890).

Subsequently, during the conference at the Hague, a brilliant delegate called Philip Stanhope[3] took up the proposal, which was to provide for an arbitration court consisting of a European Council of Great Powers[4](Zarjevski, 1989, p. 69). During the 1894 conference, two positions were outlined in the draft document establishing the international tribunal of arbitration.

The divisions among delegates (French and German speaking above all) - in addition to various points of view as regards the most appropriate 'legal devices' for arbitration and adjudication to be used to resolve international conflict through cooperation and diplomacy[5] - concerned whether or not to link a new kind of judicial institution to international law in fieri. Senator Arturo de Marcoartu (IPU member) (Marcoartu, 1878), Max Hirsch and Ludwig Von Bar (*Recueil*, 1931, p. 541; Marcoartu, 1878)[6] were among those against the proposal for an international tribunal.

In 1895, the Charles Auguste Benjamin Houzeau de Lehaie project, which took its name from the committee's coordinator, presented the IPU assembly with a draft outline for an international judicial institution, which could be defined as a Permanent International Tribunal of Arbitration (Šabič, 2008, p. 263; Descamps, 1898). This project struck a balance between recognising the right of states to resort to war in order to defend their sovereignty and accepting the application of international arbitration (*Official Report*, 1893).

The project, made up of 15 articles and approved at the Inter-Parliamentary Conference held in Brussels in 1895, provided for the creation of a 'Board of Arbitrators' chosen by States and a central office. The institution was based on the 'goodwill' of governments and States and could not impose sanctions. However, the proposal to formalise a permanent court of international arbitration was slowly taking shape and it was reiterated the following year at the American Conference on International Arbitration, held in Washington[7].

But, almost paradoxically, Russia, that would not be involved with their representatives at meetings of the Inter-Parliamentary Union, because it had not been considered as a 'parliamentary' State, organized the first multilateral conference.

The 1899 Hague Conference led to the creation of a Permanent Court of Arbitration as a means of maintaining international peace and security and was due, at least in part, to the active involvement of IPU parliamentarians. However although agreement was reached on the codification of rights for peaceful regulation, the first conference at the Hague did not approve special jurisdiction for the court, but rather a special arbitration procedure that states could apply if they considered this appropriate.

The first Conference approved the establishment of a Committee for examination of draft arbitral tribunal proposals[8], chaired by Edourad Descamps (at that time, perhaps, the politician most authoritative on these issues),which discussed the three proposals submitted by delegations. The British proposal was suddenly presented by Julian Pauncefote, then, in a few days, the Russian and the U.S. drafts (supported by Fredericks

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[3] Philip James Stanhope, 1st Baron Weardale, was president of the sixth National Peace Conference in Leicester in 1910, led the British group in the IPU and he became president of IPU from 1912 to 1922.

[4] These ideas had already been expressed by Prime Minister Gladstone during a Commons' sitting.

[5] Arbitration is a method of resolving a dispute in which the disputants present their case to an impartial third party. Adjudication is a judicial procedure for resolving a dispute. It usually involves a traditional court-based litigation process.

[6] Left-liberal jurist and politicians, Schücking's mentor.

[7] Despite the suspension of the Onley-Pauncefote Treaty by the American Senate, the mid 1890s and above all the phase shortly before the holding of the First Peace Conference at The Hague marked a period of intense discussion regarding issues related to international arbitration, perhaps more than in previous decades.

[8] Some important lawyer were part of this committee, such as Tobias Asser, Baron d'Estournelles de Constant, Heinrich Lammasch, Frederic Von Martens, EdouardOdier and Philipp Zorn and then Leon Bourgeois (and some ambassadors), president of the Third Commission in the Hague.

Holls) followed[9].

These projects had a common political approach to the introduction of the arbitration, but achieved different forms of the International Court, at the same time all three projects proposed establishing a permanent International Bureau to organize a minimum of intervention in case of request for a arbitral resolution by a statein conflict[10].

The President Edouard Descamps quickly introduced a summary of the lively debate of the study commission. This report also took into account the attitude of Germany delegation opposed the compulsory use of arbitration(They thought that the compulsory arbitration was a restriction of the sovereignty and independence of the nation)(Hueck, 2004, pp. 266-67; Oppenheim, 1889, p. 28)[11].

This attitude was offset, in other respects, by the strong political support from the French delegation, which requested the introduction of the 'principle of freedom' within the action of the Permanent Court and the process of the selection of the judges (Mérignhac, 1900, pp. 318-319) .

The draft-which emerged from the summary given by the chairman of the committee- was very close to theBritish proposal and, perhaps, took into account IPU debate[12].

During the Hague Conference, a sort of international court took shape and was made a' list of judges-arbitrator'(recognized personality in international law and relevant on-professional judges-) appointed by the signatory Powers. The Court shall have jurisdiction 'special' and a bureau, residing in the Hague(Articles55-56).

In 1904, under the leadership of Richard Bartholdt, a member of the United States Congress, during the Saint Louis conference, IPU turned to the President of the United States, Theodore Roosevelt, seeking his support for its proposal to convene a new conference, which was to discuss ways of strengthening the existing arbitration court in the Hague (IPU, 1905, p. 74; Šabič, 2008, p. 263).

However, the Hague conference of 1907 – convened by Roosevelt – did not meet the Union's expectations. The participating states failed to strengthen international justice. The proposal to set up a permanent global court was not adopted because of disagreement among the States regarding the appointment of the judges.

But, the IPU debate was asserting the political opportunity to reinforce an «out of necessity» jurisdiction of international arbitration that went beyond the limits of «diplomatic justice», conformed, at the time, to the principle of legality, based on the 'diplomatic equilibrium' among States. Because of political approach, IPU members had advocated also the creation of a 'permanent congress of nations' (a parliament of the world) – which should have a working body 'vested with certain supervisory, directing and executive powers' – which

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[9] The american delegation was composed of three members: Fredericks Holls, Seth Low and Andrew D. White.

[10] The British project proposed establishing a list of 'arbitrators' - nominated by the governments (signatories by the Convention) - and the establishment of a Permanent Council of administration, composed of diplomats. The Russian proposal, however, advanced the idea of an international tribunal made up of a Permanent Bureau, composed of representatives of the five Great Powers of the Peace Conference (Russia, Great Britain United States, France and Germany), this Bureau would have informed (on the requests for arbitration) the European governments.The Great Powerswouldappoint ajudgefor each caseofrequest for arbitration .The U.S. proposal differed from previous ones, because the plan proposed the appointment of judges of the International Court through the appointment by the Supreme Courts of States Parties to the Conference.

[11] Thisgerman political attitude was not fully shared by members of the delegation such as Philipp Zorn, a staunch defender of the Permanent Court.

[12] Descamps'scommitteerecognizedas the 'founding acts'of the Permanent CourtofArbitration: arbitral tribunal of North, South, Center America States, signed April 18, 1890, Washington Treaty, March 8, 187, Article11 oftheGeneralConferenceofBerlinin 1885 aboutmediationand arbitrationfordisputesbetweenthe CongoandNiger, Articles55and 58of theGeneralConferenceinBrussels in1890on thesuppressionofslave trade,   Article 23 oftheUniversal Postal Conventionof1891, Permanent Arbitration Treaty between Italy and Argentina in 1892, Arbitration Project between Great Britain and USA, notratified, in 1897.

was also not successful. It was partly achieved in 1920 with the League of Nations[13]. Moreover, in Hans J. Morgenthau's opinion, in international field there are two 'forces' that create the right: necessity and mutual consent (Morgenthau, 1952).

Finally, perhaps for the intervention of IPU within political and institutional environments, the role of the Court of Arbitration was defined in 1907, again at the Hague. According to the provisions of art. 41 of the Convention of 1907, 'the powers entering into the agreement', 45 states, undertook to maintain the court provided for by the previous convention.

While international arbitration appeared to have been reinforced by the First World War, international criminal justice had not yet been given substance, although some attempts, albeit unsuccessful, had been made by the Victorious Powers[14].

However, much of IPU saw the establishment of a permanent court of international justice as an aspect of international policy which could enhance and change the parliamentary system and diplomacy. With the establishment of the League of Nations in 1920, the League, also following pressure from IPU, nominated an Advisory Committee of Jurists[15] with the task of preparing a project for the setting up of a Permanent Court of International Justice.

The Chairman, EdouardDescamps, presented a proposal for the setting up of an international court on "criminal" justice *compétente pour juger les crimes contrel'ordre public international*. Although the work of the committee was characterised by theoretical and political discussion of the legitimacy of the decisions taken, the Permanent Court nevertheless saw the light. Itsstatute was approved on 24 July 1920[16]. At the Copenhagen Conference (1923), IPU President Laust Jevsen Moltesenstressed: *le parlementaires et les diplomates sont obligés à adopté l'idéal de la cause de la institution de la cour permanente de justice internationale pour entraîner les peuples*(IPU, 1924, p. 179).

Then, Hague Conferences and IPU have followed the words given by Leon Bourgeois's during his inaugural speech at the Advisory Committee of Jurists: There is between the sentence in a arbitration and the judgment of a tribunal an essential difference, a difference as profound as that which exists between equity and justice.(Procés-Verbaux, 1920, p. 8)

Broadly speaking, at the turn of the century European parliamentary life was marked by two 'political

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[13] When the League was inaugurated with the Assembly as a multilateral deliberative forum (the idea of creating a parliamentary wing of the League had never been seriously considered by the states which drafted the League's Covenant), the Council as executive body, and the Court as an associated institution.

[14] It should be recalled that the Versailles peace treaty in 1919 provided for the charging of Emperor Wilhelm II by a special tribunal with regard to his responsibility for the events leading to the world war and for violation of war rights in the conduction of hostilities. It established that a request for extradition be presented by the allied forces to the government of the Netherlands, where the Kaiser had taken refuge, the formal request being made on 16 January 1920. The Dutch government responded by refusing to hand over the Kaiser to the Supreme Council of Allies, as the Versailles Treaty did not establish any obligations for the Netherlands, a neutral State extraneous to the treaty.

[15] The members of this committee, which was chaired by Baron Descamps, formerly President of the *Institut de droit international* in 1902 and authoritative IPU member, mainly came from a Civil Law background (7 out of 10, 2 from Common Law). MineichiroAdatci, Japan, Rafael Altamira, Spain, ClóvisBeviláqua, Brazil, Baron Descamps, Belgium, Francis Hagerum, Norway, Albert de Lapradelle, France, Bernard Loder, Netherlands, Lord Phillimore, British Empire, Arturo Ricci-Busatti, Italy and Elihu Root, United States.

[16] «The High Court shall be competent to try crimes against international public order and universal law of Nations, referred to it by a public full meeting of Assembly of the League of Nations, or by the Council of the said League». Art. 14 of the Statute of the League of Nations set up the court, although it was not included within the organs of the League (art. 2); thus the Statute of the court is not an integral part of the *Covenant* founding the League, although at the same time, the League of Nations was charged with nominating the judges of the court.

phenomena': firstly a clear division or confrontation in most parliaments between more conservative political circles, more strongly nationalist and isolationist, in favour of rearmament, and 'progressive' circles, more internationalist and open to colonial adventures and rearmament in terms of the military dimension. The second phenomenon regarded increased social mobilisation in defence of peace, involving political and parliamentary circles.

However, during the 1900 conference in Paris, the Hungarian delegate, Count Albert Apponyi, raised the problem of the legitimacy of European parliaments. In his opinion, the situation could be resolved by involving parliamentarians in IPU (IPUFIA, 1991, pp.47-49).In the words of the Hungarian delegate, Parliaments suffered from a disease linked to the indifference of society to national parliaments. This was probably one of the obstacles to effective government action in favour of peace. Effective action could be taken if parliaments resumed contact with the 'popular national will'.

Before the turmoil of the First World War, parliamentarianism had more solid roots in Great Britain, France and Italy than in other European countries - such as the Austro-Hungarian Empire and Spain - which had a 'constitutional' rather than parliamentary institutional system. Essentially, in addition to the countries already mentioned, only Belgium, Holland, Denmark and the Scandinavian peninsula had a parliamentary and electoral system (more or less widespread) - but not Sweden, where the power of the crown remained strong until 1914 - on the eve of the First World War.

Despite the national parliaments, elected by universal male suffrage, exercised effective control over policy decisions, legislative assemblies of the most important European countries were not asked to rule on the declaration of war of the government, if we exclude the Italian parliament.

During the First World War Parliamentary institutions were seeking aroleinac on text of'total war'(Kocka, 1984, pp. 126-154)that was designed to favor the executive at the expense of the legislature and encourage the military power to the detriment of the "civil power".

At the end of the war, some differences marked the evolution of the European Parliaments. If the 'Third' French Republic maintained its 'strong' parliamentarian system in the UK there was a clear regression of the legislature, while the Italian parliament was discredited by the war. Conversely in Germany the parliamentary system established (Bock, 2002).

Furthermore, government practice in relation to peace treaties was a secret process, as in the case of negotiation of the Versailles Treaty, for example, although after 1918 in Britain there was a decisive change in the role of parliament in foreign affairs. After the signing of the Versailles Treaty, Lloyd George returned to the House of Commons, which accepted the Treaty (with only four votes against) (Brownlie, 1980, p. 5;Parker Chase, 1931, pp. 861-880;). On the contrary, the Italian Prime Minister, Giovanni Giolitti, prevented Parliament from discussing the Turkish-Italian War—no less than seven times - (also known in Italy as the *guerra di Libia*) (Merlini, 1993, p. 33).

However, the First World War marked a decisive step forward in the development of a strong liberal internationalist social environment (peace movements, parliamentarians and international 'experts'), which promoted a peaceful order based on the international rule of law. At the same time, the First World War can be regarded as a breakdown of the old system of international relations based on the opposition of major power alliances and secret bilateral diplomacy. The new strand of Wilsonian internationalism replaced the Cobdenite internationalism of the pre-war period, which focused on free trade, international arbitration and neutrality as a three-way route to peace, with a new belief in efficient international organisation and collective security as a

means of maintaining and promoting peace (Long, 1991, pp.285-304).

During this period, through the birth of the League of Nations, the debate within IPU focused on the key issue of parliamentary scrutiny of foreign policy and so-called 'parliamentary diplomacy'[17](Ray, 1991). The 20th Conference (1922) in Vienna, after hearing HeirichMataja's report ('German' and Austrian delegates played a significant role on this matter) decided that a Permanent Commission on judicial questions should be entrusted with further study of this problem. During the 1924 conference in Bern and Geneva, the Assembly discussed the report of the Committee on Legal Affairs (chaired by Schücking[18]) (Kosskenniemi, 2001, pp. 196, 215-22) on parliamentary scrutiny of foreign policy, in which the Chairman of the Committee invited all the members to invite their governments to establish 'special' parliamentary committee on foreign issues (IPU, 1925, pp. 197-200). In his speech, Walther Schücking encouraged respect and reinforcement of 'political observance' of Article 18 of the League's Covenant (IPU, 1925, p.196[19]). This should lead states 'to seek their security in the development of legal protection within the League of Nations'; the article sought timidly to discourage secret diplomacy but did not sanction the prohibition of secret treaties. Moreover, the doctrine clarified that the registration and publication of treaties was intended only as a formality introduced by art. 18 of the Covenant and not as an intrinsic element of the treaty-making process. However, in IPU's opinion, the prohibition of secret treaties had to be enforced and become part of international law.

The Conference set up a commission chaired by La Fontaine, developing proposals for the parliamentary control of foreign policy, in accordance with the resolutions and statute of the League of Nations: *insertion dans les constitutionsde tous les Etats, en conformité avec le dispositions de l'art. 18 du pacte de la Société de Nations[20]*; observance of the parliamentary right to be aware of the details of international treaties; parliament as the scrutiny-body of government (Bruno, 1991; Chow, 1920)[21]; annual government report on international affairs; abolition of secret funds.

The resolutions of the Bern and Geneva conferences proposed that a special parliamentary committee should produce an annual report on the management of foreign affairs (IPU, 1925,Rapport de M. Le prof. Dr. Schücking, pp. 201-202). The second part of the resolution asked for the constitutions of states to introduce rules provided for by the League of Nations against aggressive war, unanimously considered to be an "international crime".

During the debates, there were different points of view; for example, Baron Frederick Pethick–Lawrence, a British delegate, pointed out that: parliamentary control of foreign affairs does not mean that a parliament should intervene during the negotiations, but when the negotiations are complete(IPU, 1925, p. 434) whereas the French delegates were for democratisation of foreign policy and 'open' or 'above board' diplomacy. By 1920, in the French parliament, 20 permanent committees had been set up. The committees of the French parliament became channels of information about foreign policy, rather than agencies producing it, although parliamentary control of foreign policy was mainly indirect, through financial control of the money spent on the

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[17] In this context parliamentary diplomacy was mainly conceived as an inter-parliamentary activity.

[18] He was elected as the first German judge at the Permanent Court in The Hague.

[19] "Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered".

[20] The first article of Wilsonian Fourteen Points stated: 'There shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in public view'.

[21] In this context it is recalled that the Weimar Constitution provided for the establishment of a *Special Commission* on Foreign Affairs; it could investigate the State's organs.

diplomatic and armed services and through political disapproval after the event (Thomson, 206, p. 211)[22].

The IPU proposals were perhaps followed only by the Labour cabinet of James R. Mac Donald, who decided that Parliament would be given an adequate opportunity to discuss all treaties before their ratification. (In 1946 the control of policy and administration occupied on average about forty per cent of time in the House of Commons) (Viesman, 1966, p. 137).

To summarise, the advancement of parliamentary methods in international affairs was related to the de-legitimization of traditional handling of foreign affairs, however in the IPU debate parliament had the role of exerting influence rather than determining foreign policy.

Overall, in this interesting discussion of parliamentary control, IPU was also tempted to suggest 'parliamentary diplomacy' (Bailey, 1962, pp. 308-314; Dickmann, 2005; Baiocchi, 2005;Beisner, 1986; Berridge, 2002; Hamilton, Langhorne, 1995, pp. 140-144) as a method of multilateral negotiation. This responded to the political need to strengthen international arbitration and mediation procedures and was encouraged by a strain of liberal thought which emphasised the importance of popular consent in sustaining governmental authority. Primarily it was carried out by professional diplomats and now became a nexus between parliamentarians and parliamentary procedures (i.e. between parliamentary methods and the appearance of parliamentary agents in diplomacy) in international relations for enhancing the ideas of peace and 'democracy'. In 1924 IPU's French delegate, Joseph Barthèlemyemphasised : *La democratie est actuellment la grande resource d'ordre, c'est le grand élement de stabilité et, dans l'organisation internationale de monde, la democratie avec son inévitable corollaire: la publicité, c'est la plus grande garantie de la paix*. In the League there was to be constant tension between parliamentary diplomacy, traditional diplomatic methods and the agents involved (Götz, 2005, p. 275; de Puig, 2008; James, 1980).

During the 1925 IPU Conference (at Washington and Ottawa) a Romanian delegate, Vespasien V. Pella, taking a look back at the topics of debate so far discussed by IPU, effectivelysummarised : *La securité générale, la réduction des armements, le contrôle parlementaire de la politique extérieure, l'interdiction d'accorder des emprunts internationaux de guerre, enfin, tous ces moyens de prévention de la criminalité collective des Etats, ne son en réalité que les conséquences pratiques de l'administration de l'idée supérieure de justice dans la vie internationale.*(IPU, 1929, pp. 279-371)

However there were also other pressing issues for IPU. The Berlin conference of 1928 drew on IPU policies for strengthening the parliamentary system, in an interesting debate (IPU, 1924). The six points of the resolution submitted by the former German Chancellor Wirth, on behalf of the permanent committee for the study of policy issues and organisation, were: the need to ensure the stability of government and reinforce the parliamentary system, defending the independence of parliament and government in the face of interference from large economic organisations, the need for parliaments to ensure the support of experts in committees and advisory bodies, the introduction and strengthening of institutional 'tools' such as the referendum, improving techniques and parliamentary procedures in order to promote well thought-out decisions and improve the preparation of the act texts (setting up of permanent committees corresponding with the ministries).

However, the political demands of IPU were changing. The interesting debates on the underlying concept of peace were giving way to impending problems such as the survival of 'democratic' systems, the management of migration flows and the rights and duties of states in social policies.

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[22] During the inter-war years, there was broad and substantial agreement in France as regards foreign policy.

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WATER IN LATE MEDIEVAL SPAIN: Fishing, policy and SYMBOLIC value[1]

Olatz Villanueva Zubizarreta

María Isabel del Val Valdivieso

The University of Valladolid, Spain

In the Middle Ages, as in other historical past periods, there was a double perception of the value of water. On the one hand, water was considered as an indispensable necessity for human life and, on the other, it acquired a symbolic value, whose manifestations are equally palpable. As an example, there can be brought up the setting up of public fountains in the towns of late Middle Ages. They were essential not only for the daily water provision for the citizens but also meant to honor and pomp the city. Similar double meaning can be also found in the functioning of the medieval fisheries as their economic activity guaranteed food supply and even managed to acquire religious and symbolic implications in the Christian society.

Keywords: Middle Ages, Castile Society, water, fishing, policy of water, mentalities

As in other periods of history, there was a twin perception of the value of water in the Middle Ages. On the one hand, it was considered as indispensable for human life and, on the other, it acquired a symbolic value[2].

Water in Medieval Society life

The existence of water played a key role both in the choice of location for a city and in its subsequent development. It was absolutely essential for the life of a community, both in terms of its very survival (water for human consumption) and for commercial activities, whether the crafts or commercial or farming activities (irrigation, animal consumption, industrial supplies, cleaning, transport, etc.) (Senent-Díez, 2009; Villanueva & Martín Cea, 2012).

Generally speaking, in the case of fairly large towns, rivers exerted the greatest influence when we attempt to explain the location of the town. There are towns that grew along the banks of the rivers, which in some cases may have been just a fairly small stream as occurred with the Bernesga, near to which rose the city of León, or a larger river as may be seen in the case of Aranda de Duero (figure 1). There are also cases of huge rivers (huge in terms of the Iberian Peninsula), such as the Tajo, along the banks of which sprang up the city of Toledo. In the case of certain towns which were founded along the Cantabrian coast, of which Bilbao is a prime

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[2] For over fifteen years a group of researchers has been working at the University of Valladolid, exploring the issue of water and its problems in the kingdom of Castile during the Middle Ages (http://www3.uva.es/giragua/). Over these years, the group has organised almost ten specialised seminars on the topic, has promoted sessions at several international conferences, has published eight books which, together with the members of the group, have involved the cooperation of eminent specialists: Santo Tomás, 2002; Val Valdivieso (coord.), 1998, 2002, 2006, 2013; Val Valdivieso, 2006; Val &Bonachía, 2013; Val & Villanueva, 2008.

example, an estuary was chosen (Val, Bonachía, Martín & Villanueva, 2007).

If water, and in particular rivers, form the basis for the settlement of towns, they also played a major role in their layout and expansion. Indeed, urban structure is determined by existing water resources, whilst these themselves affect the spatial distribution of the various social groups and economic activities within the city (Peribáñez & Abad, 1998; Granero Martín, 2002).

Although water was keenly sought after and was indeed vital for a town to flourish, it also displayed many other facets, proving to be a major asset which the population looked to take advantage. Yet, citizens were also fully aware of the obstacles to be overcome if they wished to gain access to water, and of the possible dangers it entailed. For this reason, water was seen as an asset to be safeguarded and protected, but also as a source of risk that must be confronted or whose hazards must be avoided.

Rivers were seen as beneficial since they provided fish, hydraulic energy, irrigation, and even drinking water, although river water was not always good quality.

Medieval society was also fully aware of the dangers which rivers might entail. If the course of the river is uneven, stagnates or is dirty, it becomes a source of infection which may pollute the surrounding area and lead to disease and death.

The other major danger inherent in rivers was flooding, which could lead to ruin and even death amongst those affected. When the waters rose, there was no defence. City walls, houses, mills, land, animals and human lives were washed away together with personal belongings,… Anything might be damaged by the force of nature. As a result, preventive measures were taken to ward off any possible threat. Efforts were made to ensure that the river beds were kept clean and free from any obstructions which might interrupt the free flow of the waters. Work was carried out on the bridges and houses that were built on the rivers. Every effort was made to ensure that the spans were wide enough to allow water to flow freely (multiple examples in Bonachía, 1998, pp. 51-52).

Fishing in Medieval Society life

Aquatic animals held wide appeal in medieval society, which knew how to represent it when necessary but which, first and foremost, knew how to benefit from it to meet its own needs and interests. This accounts for why mention is made of fish as well as various species of both river and sea fish in legal documents in medieval Castile.

Setting out to sea to go fishing was a risky venture, yet was one which did not deter those living near the coast from enjoying a close relationship with the sea, which they felt to be part of their land, as evidenced by the conflicts that raged between towns over the defence of what they claimed to be their jurisdictional waters. The sea afforded people sustenance, yet fishing meant much more to these societies than merely a means to obtain food. It was also a way to draw social distinction, as reflected by the importance attained by fishing fraternities, whose members often rose to positions of great power. Exercising control over fishing therefore provided not only a means of securing clear socio-political benefits but also financial resources, since sales of the fish caught afforded enormous profits to fishermen and to traders who supplied fish to other areas (Arízaga, 2000).

Fishing inland was almost always a complementary activity for those who engaged in it, partly because it was not a high risk enterprise but also because the catch was smaller, fresh water fishing thus having less social as well as commercial value. Nevertheless, it was a key complementary activity for those involved, and

provided a means of living for those who were fishermen by trade. Although not a means by which to climb the social ladder or a key factor in becoming wealthy, it did play a certain political role. Exercising control over fishing enabled the local authorities to intervene in the activities of those under their jurisdiction, said authorities often engaging in legal disputes over fishing rights and the benefits it afforded. This accounted for the frequent clashes between local councils and/or lords over any fish that were caught. Added to this is the fact that fish trading provided income for the councils through the levying of normal as well as special taxes.

All of this explains why an activity such as fishing should be controlled under local law. Both the laws imposed by the local authorities and territorial laws laid down by lords or by the king make reference to fishing, and clearly establish who was permitted to fish in addition to how and when.

Taking account of this, we will deal with the question of which species of fish were caught and how, who was involved in such an activity, and how it was subject to contemporary law. We will then undertake a brief appraisal of the fish trade, after examining the main species that were caught.

As pointed out, fishing was undertaken at sea and in fresh water. This meant having to distinguish between the two areas since species of fish as well as the equipment used and the laws governing the practice of fishing differed from one area to another.

If we begin by looking at the sea, the first point to note is certain differences between the North and South coasts, the main distinction being the system use to catch tuna fish which was only employed on the coast of Andalusia. However, there were more similarities than differences, such as the royal permission which granted the right to fish to those living in coastal towns, as well as certain inland areas that had access to the sea (Frías & Moya, 2005).

Inland, it was the rivers, lakes and mill irrigation channels that were fished. Yet, what proved particularly important was the existence of certain facilities that made fishing easier; the so-called "fish weirs", built close to where fish bred and could be caught. These were usually controlled the rich and powerful, although they were at times built by local residents. Such weirs appeared as early as the 13th century, and by the 15th century had become the cause of frequent conflict (Medrano, 2009).

Particular areas which were highly sought by fishermen were the irrigation ditches and channels for mills, to such an extent that any tracts where the current formed pools were sometimes referred to as fishing grounds. However, here, as with all other fishing areas, access was restricted. In other words, not everybody was allowed to fish. The local councils or the lords, who held jurisdiction over the water that flowed through their respective land, had the power to authorise or not the right to fish and to demand in return the payment of some tax. In the case of the waters flowing past the mills, there were also the interests of the millers to be taken into account. However, those who were in charge of the mills were not usually allowed to fish, probably in order to prevent fraud and to avoid any fierce competition with the fishermen.

As already mentioned, those wishing to fish required the relevant authorisation. In general, the local residents of a town were allowed to fish in any waters that flowed through their land, but not in anybody else's, since fishing resources were understood to belong to the area in which their natural habitat was to be found or to the lord or owner. As a result, conflicts occasionally arose between the residents of neighbouring towns, whilst others signed agreements to share resources.

In all instances, fishing was an activity which was controlled and legislated over by the local council or by the lord, and which affected the residents of the town when fishing was practised. In the case of coastal towns, fishermen joined together to form fraternities, which became veritable pressure groups. Their highest ranking

members reached positions of power in the local authorities from where they were able to intervene in local politics. Whilst not reaching the same level of social status, broadly speaking those who risked their lives on the seas were afforded privileges and benefits wherever they went.

As pointed out, in the case of freshwater fishing inland, fishermen enjoyed less social prestige and in no way did their profession afford them an opportunity to aspire to a higher social status. They seemed rather to come from the middle and lower class sectors of society and to be subject to governors as well as to those who held power over fishing rights (different examples in Claramunt, 2009).

After having seen who these fishermen were and the places where they fished, we should now focus our attention on the fruit of their labour. What species of fish did they catch and how did they catch them?

Once again, we need to draw a distinction between fishing at sea and fishing inland. In the former instance, two types of fishing stand out and deserve particular mention; tuna fishing using trap nets, a system still employed today in some areas in the southern Iberian Peninsula, and whale fishing. Little explanation is required regarding the former, except to mention the need for quite a large number of fishermen, as well as the use of a particular type of boat and specific nets.

Whale fishing has been practised on the Cantabrian coast since at least the 13th century. It is from these ports that the whaling vessels set out to capture their prey. Documents often spoke not of fishing but of "killing or hunting whales". The importance of these creatures is reflected in a number of details including town symbols and seals. At Bermeo, for instance, the town seal depicts a ship and a whale.

Yet, fishing *par excellence*, and the kind which was practiced everywhere, was shallow water or coastal fishing, in other words fishing from boats that stay close to the shore. However, fishermen gradually ventured further afield in search of fishing grounds, and by the end of the Middle Ages they had reached as far as Ireland. The most sought-after catches were sardines, conger eel, hake, and sea bream, which were eaten fresh, dried or salted.

When it came to fishing inland, techniques changed. There was no longer any need to venture out into stormy waters, although rivers held their own danger. Waters were generally fished from the bank, although fishermen occasionally waded out into the river, or sought access to running waters from the weirs near the mills. The most prized fish here were bay eel, barb, trout, and salmon.

The equipment used for fishing at sea differed from that used for fishing inland and was also subject to local and territorial law. At sea, equipment usually consisted of several types of nets and trawl lines, in other words hooks, in addition to harpoons for whales. In rivers, canals and lakes, fishing by hand was commonplace, although this tended to be forbidden. Those fishing often used nets, rods with hooks, and traps in which the fish were caught.

To conclude this section, mention should be made of the laws governing fishing. As pointed out earlier, it was the local council and lords who set out the laws. In the case of coastal areas, at least in some instances, the fishing fraternities also had a say. Everywhere, laws established how, who and when people were allowed to set out to sea to fish, and under which circumstances they would be forced to return to port (when bad weather threatened). In the case of river fishing, local ordinances determined when it was the closed season as well as what equipment could be used and how large it could be. Here, there was one overriding concern, namely to preserve the species as a natural resource which society could benefit from but which it was also bound to ensure the existence and survival of. The closed season was thus established during the breeding period; the size which fish were required to have before they could be caught was also controlled; fishing using two

particularly harmful methods was also usually forbidden, namely drying out wells and poisoning the waters. In both instances, the reason is none other than the indiscriminate capture of all sizes of fish. In the case of using poisons, a major concern was also the collateral damage it could cause any livestock that might drink from such waters. In addition, there were other issues that had to be borne in mind, although these were to a certain extent related to the equipment that could be used and the places where fishing was permitted or forbidden. At times, there were also rules governing the conditions of sale, such as a ban on eating salmon roe, this being seen as a means of preserving the species by ensuring that the spawning period is respected so as to safeguard reproduction (Guerrero, 2009).

Once netted, some of the fish were eaten at the homes of those who had managed to catch them. However, most of the fruits of the fishermen's labour were destined to be sold, and here too there were differences between sea and freshwater fishing, as indeed there were differences between the species of fish caught.

Fish netted at sea were sold over a wide area. Part was sold retail in the actual towns were the fish were caught, although the bulk was sold wholesale. Carters transported the fish from the coastal towns to often remote areas inland, such that fish from the sea could be found in many places.

In the case of freshwater fish, many hauls were probably eaten in the fishermen's household although some of them were also sold, significant differences emerging between one species and another.

One final point to mention is that the fish trade, which was also subject to law, provided the local councils and lords with substantial income through the taxes that were levied on the sales of fish, both from sea and river fishing.

Policy Relating To The Use Of Water

Everything we have mentioned thus far has served to highlight the vital importance of water and the key role it played in the daily lives of those who inhabited the towns and villages of lower medieval Castile (Bonachía, 1998). It is hardly surprising, therefore, that as the Middle Ages progressed, municipal authorities were not only increasingly concerned with ensuring a supply of water to the townspeople but also paying closer attention to the quality and purity of the waters which flowed through their land. This concern was even more evident after the devastation caused by the plagues which swept through Europe after the mid 14th century, and was reflected in the policies adopted by municipal authorities, such policies becoming one of the key points reflecting the "good governance" of local officials and their defence of the interests of the "*res publica*" (Val & Bonachía, 2012, pp. 155-157).

This led to the first active policies by municipal authorities relating to the use of water. Their initiatives were reflected through numerous forms of action: firstly by setting up an increasing number of easily accessible supply points and improving supply networks both inside and outside inhabited areas. However, it was not merely a question of citizens having sufficient water to meet their needs; it also needed to be better quality, care having to be taken over the quality as well as purity of the water supplied. This led to a wide range of measures being adopted such as banning any kind of activity which might pollute the water later used for human consumption. Another area of intervention involved focusing greater attention on waste water and sewage water by building a pioneering drain network, sewers, and wastepipes, creating "black wells", undertaking public works such as paving streets and squares to prevent them from becoming muddy, or forcing citizens to become aware of hygiene in common areas. Further measures involved changing the location of all those activities or crafts which were felt to be contrary to public health or were deemed potentially hazardous. These

included removing the dyers, tanners and tanneries to the outskirts of the town downriver, preventing coopers from cleaning their vats, barrels, and casks in the street, or forcing butchers and fishmongers to keep their boards clean and hygienic. One final measure concerned implementing sustainable fishing practices or other action aimed at keeping canals, which were essential for the flow of water, clean and operational (Val, 2003, pp. 69-75).

Special mention should be made of public baths which, after flourishing in towns in Castile, underwent a gradual decline during the lower medieval period. Many of these had been left over from previous cultures, yet remained neglected, having fallen victim to church harassment which saw them as a source of sin and immoral behaviour, and to the new measures concerning hygiene widely imposed after the great plagues. This led to their gradual decline and ruin, until they disappeared in the 16th century, as indeed they did in the rest of Europe (Santo Tomás, 2002).

The Symbolic Value Of Water

In addition to being essential for life, water was regarded as a key asset. For this reason, local authorities took it upon themselves to ensure that citizens were able to satisfy their needs both in terms of the necessary quantity and quality of the water they consumed.

Ensuring the "public good" is the political obligation of all those who govern. In turn, any undertaking by authorities of their political commitment simultaneously serves to reflect, legitimise, and renew their own power. In this respect, municipal water policy also played its role in the ambiguous exercise of political power. Management of water resources in towns is perceived as yet another element in the exercise of citizens' power. Conflicts are bound to arise since neither society nor power are egalitarian or fair. Yet, over and above all of these questions, the overriding ideological argument justifying political action by local authorities is the ultimate goal, which is none other than to secure the common good, and foster collective interests. This entailed guaranteeing a good supply of water to the population, extending the network of water resources and providing access to them, safeguarding the quality and purity of the water, securing transport of people and animals, and ensuring their safety by providing boats and bridges for the rivers, as well as controlling the use of water and economic activities so as to strike a balance between personal and collective rights.

Municipal power was not alien to the concept of the collective imagination and would, by its action, contribute to establishing the elements that make up a specific image of the city, the impression which each citizen has of "their" city and seeks to convey to the outside world. Towards the end of the Middle Ages new concepts of the city began to emerge and, to a certain extent, be applied, with cities becoming more habitable and rational. At the same time, a sense of an imaginary urban concept gradually began to emerge in Castile, at the heart of which ideas of honour, beauty, and ennobling appeared which, by extension, relate to the idea of collective prestige, form the basis of civil pride, and function as a mechanism for social integration. Management of water and infrastructure and the facilities linked to them are no longer merely a question of supply, safety, or personal health. It is an idea which goes further, beyond the "royal city" to form part of the "ideal city". Building a bridge, increasing the number of fountains, channelling water or improving health and hygiene conditions in the town was promoted by the local authorities as it served to enhance the beauty and appeal of the city, spread its "good image" and externalise local aspirations of beauty and ostentation (Villanueva &Martín, 2012, pp. 133-135).

Conclusions

We may in conclusion state that lower medieval Castilian society was fully aware of the need for water for its own survival and development, and therefore took up the idea that it was a public asset which had to be preserved. Water was also seen as a common asset, the use of which, on certain occasions could be privatised, yet always without jeopardising collective interests and needs.

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